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## Smith Backs Off CIA Plan

### Draft Order Would Loosen Restrictions

By RONALD J. OSTROW,  
*Times Staff Writer*

WASHINGTON—Atty. Gen. William French Smith Tuesday backed away from a proposed presidential order that would ease current restrictions on intelligence gathering by the CIA and other agencies, saying the final order "will be quite different."

Smith told Sen. Lowell P. Weicker Jr. (R-Conn.), chairman of a Senate Appropriations subcommittee, that an interagency task force drafting new intelligence rules to strengthen this country's ability to deal with terrorism was aware of the senator's concerns.

"I have similar concerns," Smith said of the draft order, which was circulated among government officials last week.

Weicker said that easing restrictions on wiretapping and other domestic surveillance and reducing the attorney general's role in overseeing intelligence programs "concern me greatly."

"Our very recent history demonstrates that much lawlessness can be accomplished in the name of law and order."

Smith's testimony was his first public criticism of the draft order. Testifying last week before the House Judiciary Committee, he said only that no decisions had been made or conclusions reached on re-vamping intelligence rules.

Smith said Tuesday that he assumed the attorney general will continue to play a substantial role in overseeing intelligence activities.

Executive orders issued by former Presidents Gerald R. Ford and Jimmy Carter ended the practice of the CIA deciding on its own whether possible law violations by its agents should be referred to the Justice Department for prosecution. The orders also made the attorney general the major monitor of intelligence agency activities.

Smith's testimony, however, in-

dicated that he is taking more of a back seat in framing Administration policy on intelligence and other sensitive areas than did attorneys general in the Carter Administration.

### Not Policy Decision

For example, Smith said that while he had discussed "with representatives of the White House" the Administration's controversial proposal to end federal funding for the Legal Services Corp., it had not been a policy discussion.

"It is not part of our (the Justice Department's) budget," Smith said.

"Did you concur" in eliminating Legal Services from the budget? Weicker asked.

"I wasn't asked for concurrence," Smith said.

"Is it logical to assume that the President might seek your advice on something like this?" Weicker asked.

"I would assume that," Smith said.

"Has he yet?" Weicker asked.

"No," Smith said.

Smith also said he had no personal role in the Administration's lifting of sanctions against the Chilean government, imposed in 1979 when

the Chileans refused to extradite to the United States three Chilean military intelligence officers. The three were indicted by a federal grand jury in connection with the assassination of Chilean exile leader Orlando Letelier and Ronni Moffitt, an American who worked with Letelier.

"I had no discussions," Smith said. "I'll have to check to see if anyone else in the (Justice) department did."

Weicker tried but failed to win a commitment from Smith on consulting with the Senate appropriations subcommittee before implementing any changes in current intelligence-gathering rules.

"I'm only one member of the (interagency) group" working on changes, Smith said.

"There's been too much agony to blithely toss this (the restrictions) out the window," Weicker said.

The last draft in this area was the Huston Plan, he said, referring to a Nixon Administration program for wiretapping, mail opening and other surveillance on groups regarded as domestic security threats.

"Whether this is the appropriate committee (to consult), I just don't know," Smith said.

"Any committee that oversees your budget is the proper committee," Weicker said.